

**Meeting Minutes**  
**Mercury Citizen Advisory Committee**  
**January 9, 2002**  
**WMC, 501 East Washington Avenue**  
**Madison WI**

**Facilitator:** Bert Stitt

**Members Attending:** Mark Looze (alternate), Sierra Club; Steve Hiniker, Keith Reopelle, Wisconsin Environmental Decade; Russ Ruland, Muskellunge Club of Wisconsin; Annabeth Reitter, Wisconsin Paper Council; Jeff Schoepke, Wisconsin Manufacturers & Commerce; Kathleen Standen, Wisconsin Electric; Joe Shefchek, Alliant Energy; Wayne Stroessner, Random Lake Association; John Coleman, Great Lakes Indian Fish & Wildlife Commission; Bill Skewes, Wisconsin Utilities Association, Inc.; Ed Newman (alternate), Wisconsin Utilities Association, Inc; Scott Meske, Municipal Electric Utilities of Wisconsin and Dave Hoopman, Wisconsin Federation of Cooperatives.

**Others Attending:** Susan Rosenberg, Madison Gas and Electric; Bob Fassbender, HFO and Associates; Lloyd Eagan, Jon Heinrich, Tom Karman, Marty Burkholder and Anne Bogar, DNR.

Welcome

Lloyd Eagan welcomed the Committee and thanked Jeff Schoepke and Wisconsin Manufacturers and Commerce (WMC) for the use of the facility for the meeting.

Check-In Round

Bert Stitt conducted a check-in with Committee members. During the check-in a member mentioned not feeling comfortable in the building. Several members mentioned that the Committee received a lot of materials just before the meeting leaving little time to review them. Several members also needed paper copies of the materials and asked for clarification on whether they should copy emails and bring them to meetings or get copies at the meeting. Bert summarized that most members felt comfortable in the facility and it would be used for one more meeting. The tables will be moved closer together for that meeting and the last three meetings will be in a neutral facility. Members should bring email copies of the materials they receive, but there will be some paper copies available at the meeting.

Agenda Review

There were no changes to the meeting's agenda. Bert noted that it was an ambitious agenda and that the Committee may have to make changes as it works through agenda items.

December 12<sup>th</sup> Meeting Minutes Review

One change was requested of the December 12 minutes. Kathleen Standen asked that on page 2 under the heading Committee Report, item 3 of the alternative outline that she offered be changed to read "Environmental Assessment of Outcome of Rulemaking." The Committee approved the minutes with that change.

### Why a Mercury Rule?

Lloyd Eagan and Marty Burkholder made presentations to the Committee outlining the Department's viewpoint on the health impacts of mercury and why it proposed the mercury emissions reduction rule. A detailed outline of the key points of the presentations and discussion is contained in a separate handout, titled "Key Points of the 'Why This Rule?' Discussion (January 9, 2002 – Mercury Citizens Advisory Committee)," dated January 15, 2002 and distributed to the Committee.

During the discussion, Bert conducted a round on how alternates would participate in the Committee's discussions when the representative of the same company or organization is also present. The Committee agreed to allow the alternate at this meeting ask questions and participate, but acknowledged that this could be a problem and that their participation would be handled on a case-by-case basis.

Also during the discussion, a request was made to have a further explanation of what wet deposition is and whether it represents rainfall capturing mercury from a nearby power plant or may be capturing mercury from as far away as China.

### Revisit and Confirm New Levels of Priorities

Bert directed the Committee's attention to the revised matrix of the Committee's priorities, outlined in three categories: must, might and summary only. He asked members to make sure that these are the Committee's priorities and to make sure nothing is missing or needs to be changed. Keith Reopelle asked for a clarification of "monkey wrench" issues. He noted it was his understanding that a monkey wrench issue was one that was time-consuming but not productive. Bert clarified that a monkey wrench issue is one that can compromise the promulgation of the rule if it is not dealt with.

**Action:** After some discussion, the Committee agreed to drop three of the "must" priority issues that were included only because they were monkey wrench issues. The three issues are: 1) Better understanding of the source of mercury deposition; 2) Unresolved issues; and 3) What is the safe dose/exposure for wildlife? They become issues in the "might" category.

John Coleman asked what the Department would do when the federal rule comes out? Lloyd responded that there is a policy that when a MACT is promulgated, the Department does a state rule if there are 10 or more sources affected by the MACT. If there are fewer sources, the Department works with them on a case-by-case basis.

Bert gave a homework assignment to the Committee members to link the priorities to sections of the proposed rule. He noted that this will help them later when they look at the rule language and make recommendations to the Department for changes or alternatives to the rule.

**Action:** Each Committee member took 2 or 3 priorities to index to the rule provisions. Jon Heinrich will send an email with the assignments, format and references for the indexing. It was agreed that the Committee will later index to the

rule provisions the alternatives the Natural Resources Board wanted considered. It was also agreed, that as a second round, priorities that are identified as linked to the Environmental Assessment (EA) will refer to the appropriate page numbers in the EA.

#### Agenda Check-In

The Committee agreed to defer the agenda item on “Report Outline” to the next meeting. The “Parking Lot” agenda item was covered by Jon Heinrich’s handout, which included responses to Wayne’s questions from the last meeting.

The Committee agreed to work through the “Technical Advisory Group Follow-up” and “Expert Presentations” agenda items.

#### Technical Advisory Group Follow-up

Jon Heinrich distributed a handout (titled “Condensed Work Products and Schedule for Distribution to CAC”) of the Technical Advisory Group (TAG) work products and a schedule of their distribution to the Committee. He explained that the Environmental Assessment (EA) technical brief is different from other technical briefs because it does not address a rule provision. Instead, the brief addresses issue missing from the EA or critiqued by the TAG.

**Action:** It was agreed that when technical briefs are forwarded to the Committee that they include the lead contacts who drafted the briefs in case Committee members have questions about them.

Jon also distributed a handout (titled “Response to Committee Questions and Requests from the December 12<sup>th</sup> Meeting”). He expanded on the answer to one of the questions about the role of the Committee in reviewing public comments to the proposed rule. He noted that Committee members should be knowledgeable about the comments received but the Committee will not do a formal comment review. He referred them to the summary of comments received (previously distributed) and said he would make any comments available to Committee members if they want to review them. He noted that some comments are available electronically and some are available only in hard copy.

#### Expert Presentations

The Committee members discussed some pros and cons of having expert presentations. There were concerns about keeping presentations balanced and taking a lot of the Committee’s work time away.

**Action:** It was agreed that the Committee will discuss at its next meeting whether a health representative should be added to the TAG.

It was also agreed that staff would ask EPA to attend a meeting of the Committee to discuss the MACT process and address concerns of Committee members. A conference call could be explored if a meeting is not possible. The Committee would consider including Martha Keating (a representative on EPA’s MACT workgroup) in on a conference call as well.

### Parking Lot

There are two parking lot issues to deal with at the next meeting: 1) How is it that Hg-treated grain does not harm water when it runs off (Iraq example of Hg-treated grain)? And 2) Wisconsin Electric intends to construct new coal-fired plants. What technologies will be used to reach each level of mercury proposed by the rule (30%, 50%, 90%)?

### Setting Agenda for Next Meeting

The following items were agreed to be included on the agenda for the next meeting (January 18, 2002):

- TAG report – EA technical brief
- Priority matrix and indexing
- Report outline
- Health representative on TAG
- Expert presentations
- Summary of key points from today's "Why This Rule?" discussion

### Closing Round

Bert conducted a closing round with Committee members. Members made comments on where they thought they had made progress.